SUPREME COURT, U. S.

NO. 75-337

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In the Supreme Court of the United States

OCTOBER TERM 1975

FREDERICK W. COPELAND,
Appellant

versus

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation
Appellee

CROSS BRIEF TO PETITION FOR WRIT OF CERTIORARI

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IN THE SUPREME COURT
OF THE UNITED STATES

NO. 75-337

FREDERICK W. COPELAND,
Petitioner,

versus

PEOPLE OF THE STATE OF FLORIDA,
GOVERNOR OF FLORIDA,
ATTORNEY GENERAL OF FLORIDA,
Respondents.

CROSS BRIEF TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Appeal from the United States District Court for the Middle District of Florida

Attorney for respondent has filed Brief in Opposition which seeks the sanction of the Court in denying petitioner's petition for writ of certiorari. Petitioner, on the other side of the question, takes the position that the petition is timely and presents grievances which this Court, in exercise of its supervisory appellate power, should, in the discretion of the Court, grant the writ of certiorari and issue orders granting immediate relief from those grievances.

In this alleged public broadcasting perpetuated by known

and unknown individuals of which petitioner is the victim, State has failed in its exercise of police power in regard to petitioner's protection from such vice, and petitioner holds that the question of law has been decided so that there is conflict between the law and the decisions rendered. The listing of citations of appellate courts and the SUPREME COURT OF THE UNITED STATES apparently support the position of petitioner and negates or invalidates any other position. Furthermore, there is no record of anyone else living in this same geographical area being so victimized, and the manner utilized by State ignored the highly sophisticated equipment at its disposal for detection and apprehending such vice, and the proceedings have so far departed from accepted and usual course of judicial proceedings as provided by Rule 19, Rules of the Supreme Court of the United States, until the Court in exercise of its supervisory appellate power should, in its discretion, grant the writ of certiorari.

Furthermore, in *Walling V. James vs. Reuter, Inc.,* La. 1944, 64 S. Ct. 826, 322 U. S. 671 provides that where Supreme Court for any good reason may not properly proceed with the case brought to it on appeal, or where it is without power to proceed with the appeal, Court may in the exercise of its supervisory appellate power make such disposition as justice requires. In *State of Minnesota v. National Tea Co.,* Minn. 1940, 60 S.Ct. 676, 309 U.S. 551 says that the United States Supreme Court in exercise of its appellate jurisdiction has power not only to correct errors of law in the judgment under review, but also to make such disposition of the case as justice requires.

Since this harrasment, tantalizing and public broadcasting victimizing petitioner continues unabated, it is more imperative, in the discretion of the Court, that writ of certiorari should be granted and order to cease and desist be forthwith entered in favor of Petitioner. Furthermore, this action harassing, tantalizing and publicly broadcasting slanderous, libelous and discriminatory statements by use of certain alleged electronic equipment, gear or paraphernalia by known and unknown individuals violates the tenets of the Constitution of the United States guaranteeing life, liberty and protection of property as provided in:

Bloom v. State
Breard v. City of Alexandria, La.
Chaplinsky v. State of New Hampshire
Favors v. Randall
Freedman v. Philadelphia Terminal Auction Co.
Hotel & Restaurant Employees International Alliance, Local No. 122 v. Wisconsin Employment Relations Board
Jenson v. Olsen
Johnson v. Smith
Morey v. Doud
Royce V. Rososco
Sinclair Refining Co. v. City of Chicago
Whipple v. City of So. Milwaukee
(Citations, petition for writ of cert.)

Furthermore, in action now pending before this Court,

State is enforcing an unconstitutional Act to deny petitioner his rightful, just and proper status in life (Appendix, 42-43). Further jurisdiction is alleged by pleadings entered in due course and especially as indicated (Appendix, 39-41). Petitioner's rights are prejudiced by State adjudging petitioner incompetent November 27, 1961 when in essence, only petitioner's 100% service connected disabilities were factors and not any of the allegations in order to confine entered November 19, 1961 nor or order adjudging incompetency entered November 27, 1961. On basis of the foregoing action, petitioner was removed from his position as principal and confined in a mental institution against his consent in violation of *O'Connor v. Donaldson*, S. Ct. 1975, 45 L.Ed. 2d 396 in which the Supreme Court of the United States upheld that to confine a mental patient who is not violent nor harmful to himself or others is legally insufficient and violates tenets of the Constitution . The action of State in regard to petitioner has been far different than that called for in O'Connor v. Donaldson. In order entered November 19, 1961 State ordered petitioner confined and committed. In order entered November 27, 1961 State admitted that petitioner did not require mechanical restraint to prevent him from self-injury or violence to others. (Appendix 46-47, 50-51).

The foregoing argument is sufficient, in the discretion of the Court, to show cause and that the supervisory appellate power of the Court is required to correct errors of law and administration to which petitioner has been subjected. Wherefore, in the discretion of the Court, the writ of

certiorari should be granted, losses recovered, damages awarded, cost assessed and such and further relief granted as the Court deem proper, right and just.

Respectfully submitted,

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Cross Brief to Petition for Writ of Certiorari was furnished Honorable Clarence Holmes, Esq., Assistant Attorney General, Department of Legal Affairs, Civil Division, 725 So. Calhoun Street, Tallahassee, Florida, 32304; Thomas A. Harris, Esq., Assistant Attorney General, Department of Legal Affairs, Civil Division, 725 So. Calhoun Street, Tallahassee, Florida, 32304 and Robert L. Shevin, Attorney General, The Capitol, Tallahassee, Florida, 32304, by mail, this 22nd day of October, 1975.

Petitioner